

STATE LAND USE PLANNING ADVISORY COUNCIL

Minutes

Wednesday, May 30, 2007

Meeting location

Department of Conservation and Natural Resources
901 S. Stewart Street, 2ND Floor Conference Room, Suite 2001
Carson City, NV 89701

Members Present

Pete Livermore/ Juan Guzman, Carson City
Mickey Yarbrow, Lander County
Don Tibbals, Lyon County
Eleanor Lockwood, Churchill County
Chuck Pulsipher, Clark County
Robert Conner, Douglas County
Sheri Eklund-Brown, Elko County
Nancy Boland, Esmeralda County
Varlin Higbee, Lincoln County
Glenn Bunch, Mineral County
Tom Fransway, Humboldt County, [Alternate](#)
Roger Mancebo, Pershing County-Chair
Bill Whitney, Washoe County-Vice Chair

Members Absent

Nye County (vacant)
White Pine County (vacant)
Michael Mears, Eureka County
Robert Kershaw, Storey County

Others Present

Pamela Wilcox, Nevada Division of State Lands
Jim Lawrence, Nevada Division of State Lands
Skip Canfield, AICP, Nevada Division of State Lands (State Land Use Planning Agency)
Paul A. Williams, Nevada Division of State Lands (State Land Use Planning Agency)
Nhu Q. Nguyen, AG Office
Patti Bakker, Nature Conservancy
Ed James, Carson Water Subconservancy
Genie Azad, Carson Water Subconservancy
Frank Bradick, Citizen

CALL TO ORDER

Chairperson Mancebo called the meeting to order at 8:30 am.

Self-introductions were made by all audience and council members present. **Pamela Wilcox**, Administrator of the Nevada Division of State Lands (NDL), introduced the newest employee of State Lands, **Paul Williams**, and suggested that he indicate his background. The Chairman agreed. **Mr. Williams** stated that he has a Masters of Public Administration from University of Southern California, and an undergraduate degree in geography. He went on to state that he has over twenty one

years in planning, including serving as the first director of community development for two newly incorporated cities, as well as the first principal planner for a large urban county with a population of over one million people. In addition, **Mr. Williams** stated that he has over sixteen years of local governmental administrative experience, including serving as general manager of a water & sewer district and a rural community service district, and three years as the town manager of Genoa, Nevada.

Prior to approving the draft minutes for the October 20, 2007 SLUPAC meeting, **Chair Mancebo** asked if there were any proposed changes or comments. **Member Conner** moved to approve the minutes as presented and **Member Boland** seconded the motion. All approved the motion.

AGENCY REPORT

Ms. Wilcox welcomed the members to Carson City. **Ms. Wilcox** stated that for the first time in a long time the Agency is fully staffed, including the Division of Conservation Districts. She proceeded to describe the responsibilities of each Division in the Agency. She concluded by introducing **Skip Canfield**, who gave an update on land use planning activity since the last meeting.

Mr. Canfield announced one milestone for the Agency. He indicated that under N.R.S. 321, the agency staff is, upon request, available to assist local governments to develop Public Lands Policies. He stated that next week the White Pine County Public Land Policy Plan, that he assisted in developing, will be before the Regional Planning Commission and the County Commission, the next week, for final approval. He went on to report that he had worked over a year and a half, with the White Pine County Public Land Use Advisory Committee which was appointed by the County Commissioners, which some of the rural counties have. He stated under NEPA and FLPMA, BLM and Forest Service consult with Counties regarding actions on Federal lands. He concluded by indicating that by Counties having adopted Public Lands Policies developed through a transparent public process, they have more of a strong say in actions taken on Federal lands. He stated that such policies can dictate which public lands can be disposed of and why in terms of where County services are, which is what BLM is looking for. He then deferred to Mr. Williams to continue the report.

Mr. Williams indicated that since he started on April 2nd, they have worked on master planning with representatives in Austin and Beatty, and had initial contact regarding a possible Master Plan for Kingston. He discussed in some detail each of these planning efforts. In addition, he handed out an update of the Nevada Planning Organizations Directory, and an update of the Planner's Guide which the Agency uses as a part of its training services that are available for no cost to local government officials. He also announced that the annual Planning in Rural Nevada Conference would be in Ely on October 17-19th. He stated that the theme would be, "Weaving Threads of Change". He requested the assistance from the Council Members as to possible topics for this year's Conference. He reminded the members that they would meet on the evening of October 18th in Ely as a part of the Conference. He concluded by indicating that staff was planning the next SUPLAC meeting for the first part of August and would welcome any suggestions for topics.

Mr. Canfield reiterated that both Mr. Williams and he are available at no cost to help any local Agency with their planning needs, and that he has been working with the City of Caliente to help update their Master Plan. Further, he stated that they have done work for Nye County on the Amargosa Valley and Tonopah Town Plans.

OVERVIEW OF SLUPAC, ITS LEGISLATIVE FUNCTION, AND REVIEW OF BYLAWS

Ms. Wilcox reviewed the origins of the State Land Use Planning Agency and SLUPAC. She stated that since 1975, the Agency has no State level planning authority, but rather it exists, among other things, to provide technical assistance to local governments. She made it clear that staff has no agenda other than to provide the best assistance to the local entities, so that they can accomplish what they need as a part of their land use planning efforts. In addition, she explained that the Agency also works on Federal Land Use issues and often represents the State regarding Federal matters. She pointed out that the Agency and SLUPAC have two additional duties which have not been used often. The first is the duty to investigate and review potential areas of critical environmental concern. She indicated that if the members felt there were ~~an~~ areas that they needed to investigate, please let them know. She then proceeded to read the NRS 321 statutes outlining the duties and responsibilities of SLUPAC, particularly the main responsibility to advise the Administrator on land use planning matters. But she also pointed out that SLUPAC, upon request by any two entities, can resolve disputes between said two entities.

Ms. Wilcox then proceeded to review the Bylaws for SLUPAC. **Member Yarbrow** inquired as to whether local agencies were aware that SLUPAC was available to mediate disputes. **Ms. Wilcox** responded that they probably were not aware of it. **Member Yarbrow** suggested that there have been disputes between agencies that SLUPAC involvement could have been beneficial. He suggested that a letter should be sent to all local agencies explaining this service. **Ms. Wilcox** indicated agreement with **Member Yarbrow's** suggestion.

ELECTION OF OFFICERS

Chairman Mancebo declared nominations for Chairman opened. **Member Livermore** nominated **Member Mancebo**. **Member Boland** nominated **Member Yarbrow**. He declined the nomination, but seconded the nomination of **Member Mancebo**. **Member Conner** nominated **Member Whitney**. **Member Livermore** moved to close nominations, seconded by **Member Higbee**. **Member Fransway**, setting as an alternate, inquired as to whether he should vote. **Ms. Wilcox** stated that, since the Humboldt County seat was really vacant, perhaps not. By a show of hands, **Chairman Mancebo** was re-elected for a one year term.

Chairman Mancebo declared nominations for Vice-Chairman opened. **Member Livermore** nominated **Member Whitney**. **Member Conner** seconded. **Member Livermore** moved to close nominations, seconded by **Member Boland**. **Chairman Mancebo** declared the nominations closed. Being no other nominations, **Vice-Chairman Whitney** was re-elected for a one year term. Since by Statue, the Executive Council serves for two years no election is required ~~in-at~~ this time.

Ms. Wilcox explained how SLUPAC members are selected, and how the alternate system works. Several Members suggested that the bylaws be amended to clarify the voting rights for alternates. **Ms. Wilcox** stated that revised wording would be presented at the next meeting.

REVIEW OF PLANNING RELATED LEGISLATION FROM THE 74TH SESSION OF THE NEVADA LEGISLATURE

Mr. Williams indicated that there was a handout in the packet. He reminded the members that two status reports had been emailed to them since that Session had started. Thus, this was the third report on pending legislation. Given that this was the next to last week of the session, he indicated that there was a great deal of action of the remaining Bills. He stated that there were three major themes with the Bills in this Session related to Land Use Planning. They were Eminent Domain, Redevelopment, and Impact Fees.

He reviewed the status of AB-102, he pointed out that NDSL has not used Eminent Domain, except in one case in the last twenty five years. **Deputy Administrator Lawrence**, NDSL, pointed out the process that would be required to implement this including ~~ing~~ed two votes by the State Legislature and a vote of the people. The Members discussed the impacts of this action along with the passing of the Pistol Proposition in the last election. **Mr. Williams** next reported the status of AB-138 and AB-253, related to impact fees.

He stated that AB-258 exempts agricultural uses from parcel maps, if they met certain criteria. **Member Lockwood** indicated Churchill Community's strong concern with this Bill, because of the loss of control of access to the newly created parcels. Following a great deal discussion on this subject, **Mr. Lawrence** indicated that one of the criteria is that the property is served by certain types of access. **Mr. Williams** went on to report on AB-296 and AB-304. AB-304 enlisted a great deal of discussion about the pros and cons of being prevented from restricting manufactured homes based on their date of manufacture. **Member Lockwood** indicated the newer units may be appropriate in residential areas, because of being more compatible in terms of design features. On the other hand, she felt that older units may be an appropriate housing option in the more rural agricultural areas. Disposal and electrical wiring in older units were also raised as major issues. **Mr. Williams** also reported on AB-439, AB-554, AB-558, SB-132, and SB-200. **Mr. Lawrence** pointed out that the limiting of liability for those who build trails has been mostly taken out of SB-132. Finally, **Mr. Williams** reported on Senate Concurrent Resolution No. 45 related to an interim study concerning growth control.

Member Yarbrow inquired about the bill, which he did not know the number of, which required the fencing of land that is developed next to property with livestock. The owner of the livestock must install the fence. **Mr. Williams** stated it was SB-433 which was dead.

From the audience, **Mr. Frank Bradick** pointed out that NDSL has submitted an amendment to SB-55 to use three million dollars to refurbish buildings at the proposed Bi-state Park at the Van Sickel Ranch, up at Stateline. He could not understand how refurbishing of those buildings is helping the environment at Lake Tahoe. **Ms. Wilcox** stated there are no buildings on the Nevada side of the Van Sickel Ranch. However, NDSL has requested that three million dollars to be used to begin the development of the State Park. Because of its proximity to the casinos, it would provide additional outdoor opportunities, without the need for using an automobile. **Mr. Bradick** pointed that the Summary of pending Legislation indicates that SB-514 was dead, which is not correct.

Member Whitney inquired as to the noxious weed bill, SB-488, and SB-484 which creates an additional Planner position in NDSL. **Ms. Wilcox** pointed out that both require appropriations

which will be the last items addressed in the Session. **Member Whitney** wondered about the origins of Senate Concurrent Resolution No. 45. It was the feeling of **Member Pulsipher** and **Member Conner** that activities in Clark and Douglas Counties were the stimulus for this Resolution. **Member Eklund-Brown** requested that copies of the final Bills be emailed to all of the Members. **Ms. Wilcox** indicated that staff would email the final versions to the Members.

At 9:45, **Chairman Mancebo** declared a ten minute break. At 9:55, **Chairman Mancebo** reconvened the meeting.

THE SODA LAKE EXPERIENCE

Kevin Hill, Question One Program Coordinator, NDSL, gave the background on why Question One funded the acquisition of the land around Soda Lake by Churchill County. He introduced, **Jorge Guerrero**, Director of Parks & Recreation for Churchill County, and indicated he would discuss the issues related to the development of a County Park on the property. **Mr. Hill** reminded the Members of the history of Question One. The main points of **Mr. Hill's** presentation were:

- ❖ Churchill County applied for Q1 grant in 2004
- ❖ Purpose was to acquire in fee title Big and Little Soda Lakes to create a regional park
- ❖ Acquisition involved 1,020 acres, 640 of which are lake surface
- ❖ Funded from Land and Water Acquisition funds for Counties and municipalities with a 25% match
- ❖ Total acquisition cost was \$2.067 million
- ❖ NDSL funded \$1,545 million (75%)
- ❖ Parcel was deed restricted to assure compatible uses allowed for Q1 projects
- ❖ Escrow closed October, 2006
- ❖ Continue to work with Churchill County Parks and Recreation department staff on current and future uses of the land.

Mr. Guerrero started his presentation by describing what is Soda Lake. He stated it is a crater left over from an ancient sea where calcite towers were being formed. He also mentioned that there was a lot of wildlife in the area, lots of coots, Avocets, and Dowagers. He referred to the historical significance of the area with the working Soda Mine from 1868-1907. He reported that over the years that the water level had risen and covered the mine, and that many people go there to scuba dive to look at the mine ruins.

Mr. Guerrero indicated that the major challenges have been illegal dumping and shooting. He stated that the first step taken was to install signage prohibiting dumping and shooting. He felt that the signs significantly slowed down the shooting. He also pointed out the problem with ATV'S in that they cause significant erosion. The other challenges he outlined were lack of staffing for policing, lack of funding for development, and creating a Master plan that would accommodate the variety of interest groups. He concluded by indicating that there is a large group of people who are passionate about clean-up, and have been a great assistance in the Soda Lake project.

Member Lockwood indicated that there is a coalition of individuals and groups, including "Don't Trash Nevada", interested in addressing illegal dumping County-wide, and have a proactive

education program underway. This indication led to a lengthy discussion of illegal dumping and the need to expand education efforts to address the matter.

In responses to questions, **Mr. Guerrero** stated that the property had a great potential for all kinds of trails, water sports, urban fishery in little Soda Lake, overlook/picnic areas, and finally a camping/ day use facility. He felt all would be considered during the development of the master plan.

Member Conner requested directions to Soda Lake. **Member Livermore** suggested that a state-wide map be developed displaying all of the Question One Projects. **Mr. Hill** pointed out that they had some projects highlighted on the NDSL website. www.lands.nv.gov, and that eventually all of the projects will be displayed, with hopefully a map plotting their location.

Mr. Hill indicated that they would like to get projects in Mineral, Esmeralda, Pershing, and Eureka Counties. Then, they would have at least one project in every County. **Ms. Wilcox** reviewed all of the Question One categories as information for the Members. **Mr. Hill** stated that Recreational Trails and Urban Parks were the most popular categories.

At 10:40 am, the Chairman requested the County reports.

COUNTY PLANNING ISSUES

Sheri Eklund-Brown, Elko County:

- Water Master Plan is completed.
- Building a new annex to the County Courthouse.
- In the design phase on a new Rail Trans Load Facility.
- Doing a geological study for Aggregate.
- UNR is doing a study on the economic and sociological impacts of agriculture and livestock grazing.
- In the process of negotiating a Mining Study.
- Lobbying in Washington for full PILT funding and a Rancher's Aid Bill.
- Working on getting aid for rehabilitation of million acres of public lands burned last year and Rancher assistance for lost allotments.
- Dealing with the fairgrounds and the need for the adjacent College and High School to expand.
- Working with White Pine County [NDF](#) to red card ~~ing~~ ranchers, so that they will do fire training.

Nancy Boland, Esmeralda County:

- Worked on a draft Water Rights dedication Ordinance with the assistance of Skip Canfield. Not approved yet.
- Adopted an Ordinance that reverted division of large parcels from ten acres, back to a minimum of forty acres.
- Did a field trip for some of the NDSL staff to Gold Point to review the problem of the whole Town being developed on BLM land without a Town Patent. Trespass issue makes it impossible for any town improvements, financing, or sales. Two attempts to correct the problem have failed in the U.S. Congress.

Pete Livermore/Juan Guzman, Carson City:

- City Budget approved with significant cuts.
- As a part of downtown redevelopment, move the library to the old Federal building a few blocks north of City Hall as a start of a cultural complex.
- Continue to work on the completion of the Freeway.
- Public lands bill with 9,000 acres is in process. About half is under Forest Service, and there are more issues with them related to management and access.
- Using sheep and goats for wildfire management in the City's open space hillsides.
- Working on Buzzy's Ranch along the Carson River which is the last piece of active agriculture with over five hundred acres along the River. Only buying the land, not the water rights. The use of effluent will allow the continuation of agricultural. Total of seven million dollars just for the land.
- On the Carson Range, have several transactions. The most significant being three hundred and twenty acres. Carson City is paying to have all of the improvements removed, so it qualifies for purchase by the Forest Service.
- Working to make the repairs of the damage from last wildfire.
- Have two joint agreements. One is with a developer at Fuji Park to develop additional parking coordinated with a new casino. The other is to develop community in conjunction with Western Nevada Community College. Each Agency would be putting in ten million dollars. It would be on College land and managed by City Staff.
- With the freeway by-pass finishing, a downtown strategic study needs to be initiated.

Glenn Bunch, Mineral County:

- Master Plan has been completed and is out to print.
- Started to update the Subdivision Ordinance.
- PFI, a flooring company is trying to re-locate to the area. Would generate six hundred and fifty jobs and build homes with community center, grocery store, and three parks. They also make twenty-four inch square pavers, and they will be using them in their project, instead of paving.
- In the Walker Lake area, two subdivisions are being processed with 16 and 95 units.
- A study is underway to put a Hatchery in the Schurz area.
- There is legislation underway to re-instate the Lobster Farm in southern Mineral County south of Mina by moving the review responsibility to the Department of Agriculture.
- Upgrade is proposed at the Hawthorne Army Depot, and more reserves are being trained, particularly toward Mount Grant.

Don Tibbals, Lyon County:

- Because of the slowdown in housing sales in the Dayton area, the County may not be able to meet the bond commitment for the public facilities built there.
- In the Mason Valley area, a new creamery is going in with new technology that allows milk to stay in plastic bottles for up to forty-five days.

Mickey Yarbrow, Lander County:

- No motel rooms available in Battle Mountain. Not house in town that is for rent. This is because of the activity at the mines.

- New homes are going up for the first time in a long time.
- Have installed a new water and sewer system in Battle Mountain. Now the streets all need to be re-surfaced, but no money.
- Two geothermal test wells are underway.
- BLM's continued reduction in grazing allotments is hurting Lander County.
- Lander County, like the other rural counties, is restricted by the 3% cap on property tax that was put on during the last session. Ok for urban Counties, tough on rural Counties.

Varlin Higbee, Lincoln County:

- Department of Energy Rail Corridor Study is underway.
- ATV Trail Study is almost complete.
- Ninety acres of public lands are due to be released with the first being near Alamo.
- Coyote Springs, on the Lincoln County side, is awaiting the Habitat Conservation Plan clearance. They still have to deal with getting adequate water rights.
- The Development Agreement process has been revised.
- Table Mountain wind generation facility study underway.

Eleanor Lockwood, Churchill County:

- New public works director.
- The new sewer system is online, but the new water system year is delayed due to malfunctioning of the filtration system
- The Water Resources Plan update has been adopted. An emphasis of the update is the maintenance of agriculture and wildlife.
- Thanks to having a good planning process, including a Planning Commission in place, for many years, new development has been required to build sewer and water facilities, as well as provide adequate right rights.
- This year's budget is tight, building permit activity is mostly remodels and expansion of existing buildings.
- The Commissioners have adopted a Water Protest Policy regarding any new proposals to divert water downstream on the Carson / Truckee Rivers.

The Chairman called a lunch break at 11:45 am and the meeting resumed at 1:05 pm. **Juan Guzman** replaced **Pete Livermore** in representing Carson City.

COUNTY PLANNING ISSUES (Continued)

Robert Conner, Douglas County;

- Master Plan update completed with an Agriculture Element.
- Comprehensive Carson Valley Water Study completed.
- Hwy 395 study is almost complete.
- The Valley Bar burned down and could not be rebuilt, because it was located in an Agriculture Zone. The Commissioners, because of the historic nature of the bar, did grant the rezoning. There are now access issues with NDOT.
- An update of the Open Space Master Plan has started.
- Effluent storage pond enlarged next to Kirman Field.

Chuck Pulsipher, Clark County:

- A Wellhead Protection Ordinance has been adopted, 114 County wells.
- Energy and Fire protection Elements have been added to the Master Plan.
- A Valley Trail Study is underway.
- The Nellis Dunes are being evaluated for a possible County Park (OHV).

Tom Fransway, Humboldt County:

- Given the budget constraints the County has adopted an Attrition Policy.
- The County has developed an Ordinance which establishes standards that mirror the City's and are applicable within one half mile of the City limits to reduce the number of Special Assessment Districts.
- Airport Industrial Park has been approved.
- Clearwater Canyon is being studied for a possible trail (SNPLMA acquisition).
- The County is looking to develop workforce housing.
- [Looking at Joining the](#) Western Counties [a](#) ~~Alliance~~ ~~formed~~.

Bill Whitney, Washoe County:

- Truckee Meadows Flood Protection Project is underway at a cost of eight hundred million dollars.
- The Truckee River Restoration Project continues with additional acquisitions.
- The Open Space Plan update with a natural resources element continues with a Lands Bill to follow.

Roger Mancebo, Pershing County:

- Mines are opening and closing.
- A coal gasification power plant is being considered.

DEDICATION OF WATER RIGHTS AS A CONDITION OF DEVELOPMENT

Eleanor Lockwood, Planning Director of Churchill County, spoke regarding the development of their Dedication of Water Rights Ordinance. She indicated that the final Ordinance was a cut and paste of Washoe County's Ordinance. Her major points were:

- 1977 –Churchill County developed a plan for a water system
- 1988- “Washoe County requires dedication of water right”
- 1989-91-Water right dedication ordinance proposed-failed
- 1994-Water right dedication ordinance proposed-failed
- Background information:

Churchill County is a part of ~~in~~ Basin 101, which is a closed basin, right at the end of the Carson River. It consists of approx. 2,000 square miles that is recharged by the Newlands Project.

The Lahontan Valley ~~begins with~~ the reservoir ~~and extends to~~ ~~serves the~~ Stillwater wildlife refuge ~~through~~ ~~via~~ a series of canals that run through the County

The existing water system is served by the underground aquifers that lie underneath the valley. It is recharged primarily by the delivery system of the Newlands Project.

- There are threats & competing needs for the limited water availability.
- An aerial photograph comparison of the change in the Swingle Bench from 1998 to 2002 was dramatic. In 1998, approx. 90% of the area was in agriculture. In 2002, it had been reduced by a third. If this continued, the valley could turn into a dust bowl.
- Activities that led to the Ordinance were:
 - Churchill County models an ordinance similar to Washoe County's Water Resource Plan adopted
 - Visible evidence of the results of removing surface water
 - Depleting well levels
 - The Master Plan and all related Ordinances were updated
- The Ordinance was adopted that:
 - Subdivisions are required to connect to the county water system and dedicate underground water rights.
 - Land divisions (parcel maps, divisions into larger parcel) are required to dedicate water rights.
 - All land divisions are required to dedicate water rights. If no water is appurtenant to the property surface water rights or a payment in lieu of dedication may be made.
- With the adoption of the Ordinance, Churchill County intends to:
 - Continue dedication requirements
 - Protect water recharge areas
 - Promote cluster developments and conservation easements
 - Implement water resources plan update

Member Fransway asked if the county required the dedication of underground or surface water rights. **Ms. Lockwood** responded that if the property to be developed has surface water rights that the County required the dedication of those rights. Further, some years ago the County purchased a large number of underground water rights, she stated that if a developer has at least fifty percent of the required water rights they can purchase the remainder from the County. She stressed that the County keeps the rights to the water, but they are counted toward that development when the "Will Serve" letter is issued. She felt that one of the hiccups in this whole process is determining the value of the water rights sold by the County.

Member Fransway inquired about the takings issue? **Ms. Lockwood** indicated that this issue was raised every time the Ordinance has been considered. She stated the County, to the best of its ability, is trying to assure that water will be available and "will serve" letters can be issued when new development connects to the County's water system. She went on to indicate that the County has purchased water rights and has dedicated water rights. Surface water rights are ~~The excess is~~ used by the users in the Newlands Project until they are needed, because it benefits the groundwater recharge. **Member Higbee** inquired whether lining of the Newlands ditches would affect ground water recharge. **Ms. Lockwood** thought that much of the recharge is from seepage from the main canals so lining of minor ditches may not affect ground water recharge. ~~not, because the concreting will be limited to the main channels.~~

There followed a lengthy dialogue regarding the need~~ed~~ for changes in some of the State Laws regarding water, and the development of regional water planning where all jurisdictions~~s~~ are on equal footing. **Ms. Lockwood** pointed out as an example that the City of Fallon, because it has had a water system with a different source for a long time, has different interests than Churchill County. She stressed the need to get more scientific data and rely on it. She concluded by stating that the Ordinance was adopted as a necessity based on the belief that the County needs to safeguard its water for the generations of residents, agriculture, and businesses yet to come.

FLOOD PLAIN MANAGEMENT TOOLS

Becky Stock, Projects Director, Nevada Land Conservancy, made a presentation regarding her organization and the tools they use as a part of flood plain management. Her major points were:

- The Conservancy was founded in 1998 as Nevada's first and was started in order to develop Ranch San Rafael Park in Washoe County.
- It as a nonprofit organization works with Land Trusts and private individuals to conserve land by undertaking or assisting in land or easement acquisition.
- Most recently they have assisted in the Truckee River Flood Project.
- A Conservation Easement is a legal agreement between landowner and an eligible organization that restricts future activities on land to protect conservation values.
- The Internal Revenue Code 170(h) specifies the Conservation Value qualifications:
 - Provide public recreation or education
 - Protect natural habitats
 - Preserve open space for public benefit, including agriculture
 - Preserve historically significant areas or structures
 - Perpetual time frame.
- NRS 543.170 defines flood specific public benefit:
 - Facilities to alleviate flooding in any district, whether located in a city, an unincorporated town or another unincorporated area of the county, benefit all the residents and owners in the district
 - These facilities provide protection for life and property throughout the district, and usually require planning and development throughout a drainage basin
 - Land must be located within 100 year floodplain
 - Agricultural uses limited to annual crops vs. perennial crops such as vines and orchards
 - No fill activity allowed.
- Potential funding sources include:
 - City or County funding-1/8-cent sales tax Washoe County
 - State Question One
 - Southern Nevada Public Lands Management Act
 - Natural Resources Conservation Service:
 - EWP Emergency Watershed Protection
 - WRP Wetland Reserve Program.
- The required baseline data should include:
 - Documentation of existing condition of the property that is recorded with the easement

Includes maps, photos, data supporting the public benefit, etc

Serves as important legal document for future challenges to the easement

Communicates clearly the application of the easement to future landowners.

- Yearly evaluation of the baseline data is needed to ensure no violation of the terms of the easement. Is critical that it be thorough, particularly if terms of easement are complex. Is Important to developing and preserving the relationship with the landowner.
- Endowment funds should be established for monitoring and defense. Interest earned is used for yearly monitoring, the core only used if defense is needed. Not a matter of if an easement will be challenged, but when.

Jon Paul Kiel, Question 1 Program, NDSL explained the importance of the role played by the public entity involved as it relates to completion of the easement, as well as the long term viability of it. In addition, they are able to monitor the easement over the years, and can step in if necessary. Further, he in response to a question indicated that the reason for a landowner to grant an easement runs the whole gambit.

A lengthy discussion ensued related to the potential for litigation. **Ms. Stock** stated that her Conservancy has not yet experienced a suit. **Jacques Etchegoyhen**, Principal, Terra Firma Associates LLC, stated ~~the~~ there have been conservation easements in Vermont for a hundred years and there have only been five law suits. He pointed out that there is a little used Federal provision that provides that anyone who grants a conservation easement can obtain federal land free on an acre per acre basis.

Mr. Etchegoyhen indicated that he had been a rancher for thirty years. He felt that the beauty of a conservation easement is that it keeps the management of, particularly agriculture, lands in the hands of people who know what they are doing to the benefit of all of the County's residents. He indicated that the rancher gets the additional benefit of being paid for continuing to farm. He stated that between 1990 and 2000, Nevada lost twenty-five percent of its irrigated farmland. Whereas, in Douglas County there are now over 11,200 acres under conservation easements which is essentially equal to one acre for every house built. He was of the opinion, because of the regulations in place, new development is paying for the preservation of agriculture in Douglas County. He stressed that there are lots of willing sellers, and that acquisition by the Federal Government is a too long of a process.

CARSON CITY HISTORIC PRESERVATION DISTRICT

Mike Drews, Chairman of the Carson City Historic Resources Commission, spoke about the Historic Preservation District. His major points were:

- Carson City was the first Certified Government in Nevada. It means that there is Partnership between National Park Service-National Historic Preservation Program and Local Government. Therefore, the City becomes responsible to review and approve nominations to the National Register of Historic Places and is ~~E~~ligibility to apply for CLG funds through State Historic Preservation Office.
- The history of Carson City's Historic Preservation District is:
Created in 1982 by the Carson City Board of Supervisors. The Carson City Historic Resources Commission oversees development within the District, as well as National

Register listed properties and eligible properties within Carson City. Originally an advisory committee to the Board of Supervisors. Updated by ordinance (CCMC 18.07) to commission status to approve or deny construction permits. Generally reviews all exterior renovation, remodeling, or demolition of designated historic properties.

- He outlined the adopted standards and displayed a map of the District.
- He described how a project flowed through the City system:
 - Applicant contacts the Planning Department regarding project. (Building Department will flag and re-direct to Planning if project is in District.)
 - Applicant submits brief application form with attached plans for review.
- The Goal of the Commission is to maintain a vibrant Historic District that:
 - Integrates Commercial Development, Private/Public Properties, and In Fill with existing Cultural Resources.
- The chairman may approve small projects like re-roofing that meet standard requirements.
- Recent concerns include:
 - Demolition by neglect
 - Landscaping maintenance
 - State Properties
 - Non-permitted activities.
- Demolition process requires documentation of the need and an Economic analysis.

Ms. Wilcox echoed that need to have the Commission involved in State projects.

Member Guzman indicated that the Commission members are very committed and offer a great consultant service at a very low cost.

PUBLIC COMMENTS

Mr. Frank Bradick asked for the Members political support for making the Monte Cristo area in Esmeralda County a State Park which is a Bill pending before the State Legislature.

COUNCIL MEMBER COMMENTS

Member Yarbrow reminded the Members that [hise](#) serves on the State-wide Nevada Fire Safe Council and that they provide free services to those interested. Given the recent history of drought, every County should be interested in getting all of help that they can get. **Member Eklund-Brown** concurred, and indicated that Federal financial support of wildfire fighting may disappear after 2007. She thought that the State and the Counties would then be on their own [with regards to private lands](#). She stated the need for NDF Fire Protection Districts statewide.

Chairman Mancebo requested that meals be provided at future meetings, so that more networking could occur. **Ms. Wilcox** suggested that perhaps at the first break at future meetings, staff take orders and collect money in order to bring in lunch.

FUTURE MEETING CONSIDERATIONS

Mr. Williams reminded the Members that the next meeting would be at N.A.S. Fallon in their multi-purpose room in early August. He stated there was a buffet right next to the facility. **Member Eklund-Brown** asked that the next meeting include a discussion on the Army Corps of Engineers criteria for navigable waterways.

ADJOURN

At 3:55 pm, **Chairman Mancebo** adjourned the meeting to a scheduled guided walking tour of Carson City's Historic Preservation District. Four members took the tour.

Respectfully submitted,

Paul A. Williams, Senior Planner
Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2731. The recording will be retained for three years.